IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 3431 (S/S) 2001

Smt. Nandi Khanna W/o Late Saroop Singh -----

Petitioner

Vs.

State of Uttaranchal
And others. ----- Respondents.

Writ petition No. 4544 (S/S) 2001

Smt. Nandi Khanna W/o Late Saroop Singh ------

Petitioner

Vs.

State of Uttaranchal
And others. ------ Respondents.

Hon'ble P.C.Verma, J.

The petitioner Smt. Nandi Khanna has filed writ petition No. 3431/2001 seeking mandamus to command respondent to regularize the services of the petitioner as Junior Clerk in the Forest Department of State of Uttaranchal on the ground that the petitioner was working from 1988 on Daily Wager against Class-III post and thereafter she was appointed on Adhoc basis w.e.f. 22nd June, 1992 as Clerk and she was working continuously as such, therefore, she was entitled for regularisation under the Regularisation of Adhoc Appointment Rules (out of Public Service Commission Rules 1979) as amended up-to-date, as the petitioner is fully eligible to be regularized under the aforesaid Rules after latest amendment. This Court, while entertaining the writ petition passed an interim order that the petitioner is continuing in service, her services shall not be terminated except in accordance with law and she shall be paid salary month to month. And a counter affidavit was called for. During the pendency of the aforesaid writ petition, the petitioner was reverted as Daily Wages. Therefore, the petitioner filed the second writ petition bearing No. 4544/2001 Nandi Khanna Vs. State of Uttaranchal in which this Court passed order that pursuant to the impugned order of reversion,

reverting the petitioner from Adhoc Clerk to the Daily Wager shall remain stayed. Thereafter, the petitioner was allowed to continue and is working on Adhoc basis as Junior Clerk.

The counter affidavit has been filed in which it has been stated that the petitioner shall be regularized alongwith other Daily Wagers according to Rule know as Regularisation of Daily Wagers of Class-III post 1998.

The petitioner is still being treated for the purpose of regularisation as Daily Wager. It is illegal, as the petitioner is working on Adhoc basis w.e.f. 22.06.1992 and is being paid the pay-scale of Junior Clerk, therefore, the petitioner is eligible to be considered for regularisation under the Regularisation of Adhoc Appointments Rules (out of Public Services Commission Rules 1979) as amended up-to-date by State of Uttaranchal. Therefore, the respondents are directed to consider the case of the petitioner for regularisation under the aforesaid Rules within a period of one month from the date of production of a certified copy of this order.

However, the petitioner's services shall not be terminated unless she is found unsuitable for being retained and regularized for Class-III posts.

Accordingly, both the writ petitions are disposed of. No order as to costs.

September 29, 2003:
NCM:

(P.C.Verma, J.)